**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL WRIT PETITION NO. 1878 OF 2005**

Nazir Babu Shaikh. ... Petitioner

Versus.

The State of Maharashtra & others. ... Respondents.

Shri Aslam Shaikh for the Petitioner.

Ms.Rajashree Gadhvi, A.P.P.for the Respondent.

**CORAM : ABHAY S. OKA, J.**

**DATED : 16th August, 2005.**

**P.C.:**

1. Rule. The learned A.P.P. waives service. Taken up for hearing forthwith.

2. By the order impugned dated 20th June 2005 the application made by the Petitioner for grant of parol under Rule 19 of the Prisons (Bombay Furlough and Parole) Rules, 1959 has been rejected. The prayer made in the Application for parol was on the ground that the Petitioner's mother is seriously ill and the presence of the Petitioner is required for treating the mother.

3. The Application is rejected on the ground that the Complainant at whose instance the Petitioner was prosecuted has suggested that the Petitioner should not stay at village Dahisar and it will not be possible for the Applicant to look after the ailing mother by residing in some other village than Dahisar.

4. The learned Counsel for the Petitioner on instructions stated that the Petitioner will reside at some other place than the village Dahisar and while staying in some other village, he will take necessary steps for giving treatment to his mother. The statement is accepted.

5. As the only ground on which the application for parole is rejected is that the Petitioner cannot stay in village Dahisar, in my view the application for parole made by the Petitioner deserves to be favourably reconsidered in the light of the statement made by the learned Advocate for the Petitioner.

6. Hence I pass the following order:

(i) The impugned order dated 20th June 2005 is quashed and set aside and the concerned authority is directed to favourably consider the application made by the Petitioner in the light of the statement made by the learned Counsel for the Petitioner. The Application shall be reconsidered after the Petitioner submits to the Competent Authority the address of the place where he proposes to stay after he is granted parol leave.

(ii) The Application shall be decided as expeditiously as possible and in any event within a period of two weeks from the date on which the Petitioner will furnish the address of place of his residence where he proposes to stay while on parole, to the Competent Authority.

(iii) Parties to act on an authenticated copy of this order.

**Judge.**